

# HOUSE . . . . . No. 829

By Mr. Marzilli of Arlington, petition of J. James Marzilli, Jr., and others relative to criminal offender record information. The Judiciary.

## The Commonwealth of Massachusetts

PETITION OF:

J. James Marzilli, Jr.  
Byron Rushing

Patricia D. Jehlen

In the Year Two Thousand and Five.

AN ACT RELATIVE TO THE CRIMINAL OFFENDER RECORD INFORMATION.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 172 of chapter 6 of the General Laws is  
2 hereby amended in its first paragraph by inserting after the second  
3 sentence the following sentence:— Agencies, other entities or  
4 individuals granted access under clause (c) shall receive criminal  
5 offender record information limited to conviction and case  
6 pending information.

1 SECTION 2. The first paragraph of said section 172 is hereby  
2 further amended by adding at the end thereof the following sen-  
3 tence:— When an agency, entity or individual, pursuant to a grant  
4 of access under clause (c) receives criminal offender record infor-  
5 mation for assistance in deciding whether to offer or grant  
6 employment, housing, admission to an educational or training pro-  
7 gram, insurance, a loan of money or credit or other benefit to the  
8 person who is the subject of such information, such agency, entity  
9 or individual shall share the information with the person and dis-  
10 cuss it with him privately before making such decision.

1     SECTION 3. Section 4 of chapter 151B of the General Laws is  
2 hereby amended in subdivision 9 by striking the first paragraph  
3 and inserting in place thereof the following paragraph:— For an  
4 employer, himself or through his agent, in connection with an  
5 application for employment or the terms, conditions, or discharge  
6 of any person or in any other matter relating to the employment of  
7 any person, to request any information, to use any form of appli-  
8 cation or application blank which requests such information, or to  
9 exclude, limit or otherwise discriminate against any person by  
10 reason of his failure to furnish such information through a written  
11 application or oral inquiry or otherwise regarding criminal  
12 offender record information, which shall be obtained, if at all,  
13 from the criminal history systems board, pursuant to section  
14 section 172 or other applicable sections of chapter 6 of the  
15 General Laws and all applicable regulations and certifications  
16 thereunder.

1     SECTION 4. Section 100A of chapter 276 of the General Laws  
2 is hereby amended in its first paragraph by striking, in the second  
3 sentence, clauses (1) and (2) and inserting in place thereof the  
4 following clauses: (1) that said person's court appearance and  
5 court disposition records, including termination of court supervi-  
6 sion, probation or sentence for any misdemeanor occurred not less  
7 than five years prior to said request; (2) that said person's court  
8 appearance and court disposition records, including termination of  
9 court supervision, probation or sentence for any felony occurred  
10 not less than eight years prior to said request;.

1     SECTION 5. Said section 100A is hereby further amended in  
2 its first paragraph, second sentence, by striking clause (3) and  
3 inserting in place thereof the follow clause: (3) that said person  
4 had not been found guilty within the commonwealth in the ten  
5 years preceding such request of any criminal offense punishable  
6 by incarceration for one year or more.

1     SECTION 6. Said section 100A is hereby further amended by  
2 striking the fifth paragraph and inserting in place thereof the  
3 following paragraph:

4 An application for employment used by an employer shall not  
5 inquire, nor shall an employer inquire orally, about criminal  
6 offender record information, which shall be obtained, if at all,  
7 from the criminal history systems board, pursuant to section 172  
8 or other applicable sections of chapter 6 of the General Laws and  
9 all applicable regulations and certifications thereunder.

1 SECTION 7. There is hereby established a temporary special  
2 commission to study the feasibility, probable direct and indirect  
3 costs and benefits and overall usefulness of changing the tax laws  
4 of the commonwealth to provide a tax credit to employers who or  
5 which hire ex-offenders. The commission shall consist of seven  
6 members, three of whom shall be appointed by the governor and  
7 two each by the senate president and the speaker of the house. The  
8 members appointed by the governor shall include persons who are  
9 likely to represent the interests of employers, employees and ex-  
10 offenders, respectively. Members of the commission may orga-  
11 nize, elect a chair and seek funding for staff as soon as a majority  
12 of the members have been appointed. The commission shall, nine  
13 months after receiving its appropriation, submit its report and rec-  
14 ommendations to the governor, the senate president and the  
15 speaker of the house.